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Resolution adopted by the General Assembly

[*on the report of the Third Committee (A/62/435)*]

62/141. Rights of the child

The General Assembly,

Recalling its previous resolutions on the rights of the child, the most recent of which is resolution 61/146 of 19 December 2006, and its resolution 60/141 of 16 December 2005, as well as Commission on Human Rights resolution 2005/44 of 19 April 2005,[1]

Emphasizing that the Convention on the Rights of the Child[2] must constitute the standard in the promotion and protection of the rights of the child, and bearing in mind the importance of the Optional Protocols to the Convention,[3] as well as other human rights instruments,

Reaffirming the Vienna Declaration and Programme of Action,[4] the United Nations Millennium Declaration[5] and the outcome document of the twenty-seventh special session of the General Assembly on children, entitled "A world fit for children",[6] and recalling the Copenhagen Declaration on Social Development and the Programme of Action,[7] the Dakar Framework for Action adopted at the World Education Forum,[8] the Declaration on Social Progress and Development,[9] the Universal Declaration on the Eradication of Hunger and Malnutrition[10] and the Declaration on the Right to Development,[11]

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[1] See *Official Records of the Economic and Social Council, 2005, Supplement No. 3* and corrigenda (E/2005/23 and Corr.1 and 2), chap. II, sect. A.

[2] United Nations, *Treaty Series*, vol. 1577, No. 27531.

[3] Ibid., vols. 2171 and 2173, No. 27531.

[4] A/CONF.157/24 (Part I), chap. III.

[5] See resolution 55/2.

[6] Resolution S-27/2, annex.

[7] *Report of the World Summit for Social Development, Copenhagen, 6–12 March 1995* (United Nations publication, Sales No. E.96.IV.8), chap. I, resolution 1, annexes I and II.

[8] See United Nations Educational, Scientific and Cultural Organization, *Final Report of the World Education Forum, Dakar, Senegal, 26–28 April 2000* (Paris, 2000).

[9] See resolution 2542 (XXIV).

[10] *Report of the World Food Conference, Rome, 5–16 November 1974* (United Nations publication, Sales No. E.75.II.A.3), chap. I.

[11] Resolution 41/128, annex.

Recognizing the importance of the integration of child rights issues into the follow-up of the outcome documents of all major United Nations conferences, special sessions and summits,

Taking note with appreciation of the reports of the Secretary-General on progress made towards achieving the commitments set out in the outcome document of the twenty-seventh special session of the General Assembly[12] and on the status of the Convention on the Rights of the Child and the issues raised in Assembly resolution 61/146,[13] as well as the report of the Chairperson of the Committee on the Rights of the Child,[14]

Recognizing the importance of incorporating a child-protection perspective across the human rights agenda, as highlighted in the outcome of the 2005 World Summit,[15]

Taking note with appreciation of the attention paid to children in the Convention on the Rights of Persons with Disabilities[16] and in the International Convention for the Protection of All Persons from Enforced Disappearance,[17]

Noting with appreciation the attention paid to children in the United Nations Declaration on the Rights of Indigenous Peoples,[18]

Profoundly concerned that the situation of children in many parts of the world remains critical, in an increasingly globalized environment, as a result of the persistence of poverty, social inequality, inadequate social and economic conditions, pandemics, in particular HIV/AIDS, malaria and tuberculosis, environmental damage, natural disasters, armed conflict, foreign occupation, displacement, violence, terrorism, abuse, exploitation, trafficking in children and their organs, child prostitution, child pornography and child sex tourism, neglect, illiteracy, hunger, intolerance, discrimination, racism, xenophobia, gender inequality, disability and inadequate legal protection, and convinced that urgent and effective national and international action is called for,

Reiterating that eradicating poverty is the greatest global challenge facing the world today and an indispensable requirement for sustainable development, in particular for developing countries, and recognizing that chronic poverty remains the single biggest obstacle to meeting the needs of and promoting and protecting the rights of children, and that urgent national and international action is therefore required to eliminate it,

Reaffirming that democracy, development, peace and security, and the full and effective enjoyment of all human rights and fundamental freedoms are interdependent and mutually reinforcing and contribute to the eradication of extreme poverty,

Reaffirming also the need for mainstreaming a gender perspective in all policies and programmes relating to children, and recognizing the child as a rights holder in all policies and programmes relating to children,

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[12] A/62/259.

[13] A/62/182.

[14] See *Official Records of the General Assembly, Sixty-second Session, Third Committee*, 14th meeting (A/C.3/62/SR.14), and corrigendum.

[15] See resolution 60/1, para. 128.

[16] Resolution 61/106, annex I.

[17] Resolution 61/177, annex.

[18] Resolution 61/295, annex.

Welcoming the holding of a commemorative high-level plenary meeting on 11 and 12 December 2007 to evaluate progress made in the implementation of the Declaration and the Plan of Action contained in the document entitled "A world fit for children", recalling that particular attention must be paid to the protection and the rights of children living in poverty, and encouraging the inclusion of children and young people in delegations of Member States,

I

Implementation of the Convention on the Rights of the Child and the Optional Protocols thereto

1. *Reaffirms* that the general principles of, inter alia, the best interests of the child, non-discrimination, participation and survival and development provide the framework for all actions concerning children, including adolescents;

2. *Urges* States that have not yet done so to become parties to the Convention on the Rights of the Child[2] and the Optional Protocols thereto[3] as a matter of priority and to implement them fully by, inter alia, putting in place effective national legislation, policies and action plans, strengthening relevant governmental structures for children and ensuring adequate and systematic training in the rights of the child for all those working with and for children, as well as ensuring child rights education for children themselves;

3. *Urges* States parties to withdraw reservations that are incompatible with the object and purpose of the Convention or the Optional Protocols thereto and to consider reviewing regularly other reservations with a view to withdrawing them in accordance with the Vienna Declaration and Programme of Action;[4]

4. *Calls upon* States to establish or strengthen national bodies, such as independent ombudspersons for children, where appropriate, or other institutions for the promotion and protection of the rights of the child;

5. *Welcomes* the work of the Committee on the Rights of the Child, and calls upon all States to strengthen their cooperation with the Committee, to comply in a timely manner with their reporting obligations under the Convention and the Optional Protocols thereto, in accordance with the guidelines elaborated by the Committee, and to take into account its recommendations on implementation of the Convention;

6. *Takes note with appreciation* of the initiatives undertaken by the Committee aimed at promoting a better understanding of and fuller compliance with the rights enshrined in the Convention, namely, through the organization of days of general discussion and the adoption of general comments;

7. *Requests* all relevant organs and mechanisms of the United Nations system regularly and systematically to incorporate a strong child rights perspective throughout all activities in the fulfilment of their mandates, as well as to ensure that their staff are trained in child rights matters, and calls upon States to continue to cooperate closely with all those organs and mechanisms, in particular the special rapporteurs and special representatives of the United Nations system;

8. *Encourages* States to strengthen their national statistical capacities and to use statistics disaggregated, inter alia, by age, gender and other relevant factors that may lead to disparities and other statistical indicators at the national, subregional, regional and international levels to develop and assess social policies and programmes so that economic and social resources are used efficiently and effectively for the full realization of the rights of the child;

II

Promotion and protection of the rights of the child and non-discrimination against children

Non-discrimination

9. *Calls upon* all States to ensure the enjoyment by children of all their civil, cultural, economic, political and social rights without discrimination of any kind;

10. *Notes with concern* the large number of children who are victims of racism, racial discrimination, xenophobia and related intolerance, stresses the need to incorporate special measures, in accordance with the principles of, inter alia, non-discrimination, the best interests of the child, survival and development and respect for his or her views, in programmes to combat racism, racial discrimination, xenophobia and related intolerance, and calls upon States to provide special support and ensure equal access to services for all children;

11. *Calls upon* States to take all necessary and effective measures, including legal reforms where appropriate, to eliminate all forms of discrimination against girls and all forms of violence, including female infanticide and prenatal sex selection, rape, sexual abuse and harmful traditional or customary practices, including female genital mutilation, early marriage, marriage without the free and full consent of the intending spouses and forced sterilization, by enacting and enforcing legislation and, where appropriate, by formulating comprehensive, multidisciplinary and coordinated national plans, programmes or strategies to protect girls;

12. *Also calls upon* States to take the necessary measures to ensure the full and equal enjoyment of all human rights and fundamental freedoms by children with disabilities in both the public and the private spheres, including access to good quality education and health care and protection from violence, abuse and neglect, and to develop and, where it already exists, to enforce legislation to prohibit discrimination against them in order to ensure their inherent dignity, promote their self-reliance and facilitate their active participation and integration in the community, taking into account the particularly difficult situation of children with disabilities living in poverty;

13. *Urges* all States to respect and promote the right of girls and boys to express themselves freely, to ensure that their views are given due weight, in accordance with their age and maturity, in all matters affecting them and to involve children, including children with special needs, in decision-making processes, taking into account the evolving capacities of children and the importance of involving children's organizations and child-led initiatives;

14. *Also urges* all States in particular to strengthen the participation of children and adolescents in planning and implementation relating to matters that affect them, such as health, environment, education, social and economic welfare and protection against violence, abuse and exploitation;

Registration, family relations and adoption or other forms of alternative care

15. *Once again urges* all States parties to intensify their efforts to comply with their obligations under the Convention on the Rights of the Child[2] to preserve the child's identity, including nationality, name and family relations, as recognized

by law, to allow for the registration of the child immediately after birth, to ensure that registration procedures are simple, expeditious and effective and provided at minimal or no cost and to raise awareness of the importance of birth registration at the national, regional and local levels;

16. *Encourages* States to adopt and enforce laws and improve the implementation of policies and programmes to protect children growing up without parents or caregivers, recognizing that, where alternative care is necessary, family- and community-based care should be promoted over placement in institutions, and in this context welcomes the ongoing process aimed at elaborating a set of United Nations guidelines for the appropriate use and conditions of alternative care for children, which are aimed at enhancing the implementation of the Convention and of other relevant legal international human rights instruments, regarding the protection and well-being of children who are in need of alternative care or who are at risk of becoming so;

17. *Calls upon* States to guarantee, to the extent consistent with the obligations of each State, the right of a child whose parents reside in different States to maintain, on a regular basis, save in exceptional circumstances, personal relations and direct contact with both parents by providing enforceable means of access and visitation in both States and by respecting the principle that both parents have common responsibilities for the upbringing and development of their children;

18. *Also calls upon* States to address and pay particular attention to cases of international parental or familial child abduction, and encourages States to engage in multilateral and bilateral cooperation to resolve these cases, preferably by accession to or ratification of the Hague Convention on the Civil Aspects of International Child Abduction,[19] and therefore to be in full compliance with the Convention, and to facilitate, inter alia, the return of the child to the country in which he or she resided immediately before the removal or retention;

19. *Further calls upon* States to take all necessary measures to prevent and combat illegal adoptions and all adoptions that are not in the best interests of the child;

Economic and social well-being of children

20. *Calls upon* States and the international community to create an environment in which the well-being of the child is ensured, including by strengthening international cooperation in this field;

Eradication of poverty

21. *Calls upon* States to cooperate, support and participate in the global efforts for poverty eradication at the global, regional and country levels, recognizing that strengthened availability and effective allocation of resources are required at all these levels, in order to ensure that all the internationally agreed development and poverty eradication goals, including those set out in the United Nations Millennium Declaration,[5] are realized within their time framework, and reaffirms that investments in children and the realization of their rights are among the most effective ways to eradicate poverty;

[19] United Nations, *Treaty Series*, vol. 1343, No. 22514.

22. *Reaffirms* that the primary responsibility for ensuring an enabling environment for securing the well-being of children, in which the rights of each and every child are promoted and respected, rests with each individual State;

23. *Calls upon* all States and the international community to mobilize all necessary resources, support and efforts to eradicate poverty, according to national plans and strategies and in consultation with national Governments, including through an integrated and multifaceted approach based on the rights and well-being of children, and to continue their efforts to realize the internationally agreed development and poverty eradication goals, including the Millennium Development Goals;

Right to education

24. *Recognizes* the right to education on the basis of equal opportunity and non-discrimination by making primary education compulsory and available free to all children, ensuring that all children have access to education of good quality, as well as making secondary education generally available and accessible to all, in particular through the progressive introduction of free education, bearing in mind that special measures to ensure equal access, including affirmative action, contribute to achieving equal opportunity and combating exclusion, and ensuring school attendance, in particular for girls and children from low-income families in order to achieve the objectives of Education for All, with the aim of realizing millennium development goal 2;

25. *Takes note with appreciation* of the report of the Special Rapporteur on the right to education,[20] which is devoted to the right to inclusive education of persons with disabilities, and in this context calls upon States to consider carefully the recommendations contained therein, namely, to take steps towards ensuring an effective inclusive education system;

Right to the enjoyment of the highest attainable standard of health

26. *Calls upon* States:

(*a*) To take all necessary measures to ensure the right of the child to the enjoyment of the highest attainable standard of health and to develop sustainable health systems and social services, ensuring access to such systems and services without discrimination, paying special attention to adequate food and nutrition and combating disease and malnutrition, to access to safe drinking water and sanitation, to the special needs of male and female adolescents and to reproductive and sexual health, and securing appropriate prenatal and post-natal care for mothers, including measures to prevent mother-to-child transmission of HIV, and in this context to realize millennium development goals 4, 5 and 6;

(*b*) To assign priority to developing and implementing activities and programmes aimed at treating and preventing addictions, in particular addiction to alcohol and tobacco, and the abuse of narcotic drugs, psychotropic substances and inhalants;

(*c*) To support adolescents to be able to deal positively and responsibly with their sexuality in order to protect themselves from HIV/AIDS infection and to implement measures to increase their capacity to protect themselves from

[20] A/HRC/4/29 and Add.1–3.

HIV/AIDS through, inter alia, the provision of health care, including for sexual and reproductive health, and through preventive education that promotes gender equality;

(*d*) To develop and implement strategies, policies and programmes that identify and address those factors that make individuals particularly vulnerable to HIV infection in order to complement prevention programmes that address activities that place individuals at risk for HIV infection, such as risky and unsafe behaviour and injecting drug use;

(*e*) To promote initiatives aimed at reducing the prices of antiretroviral drugs, especially second-line drugs, available to boys and girls, including bilateral and private sector initiatives, as well as initiatives on a voluntary basis taken by groups of States, including those based on innovative financing mechanisms that contribute to the mobilization of resources for social development, especially those that aim to provide further access to drugs at affordable prices to children in developing countries on a sustainable and predictable basis, and in this regard takes note of the International Drug Purchase Facility, UNITAID;

(*f*) To design and implement programmes to provide social services and support to pregnant adolescents and adolescent mothers, in particular by enabling them and also the adolescent fathers to continue and complete their education;

Right to food

27. *Calls upon* all States to take immediate steps to eliminate child hunger, including through the adoption or strengthening of national programmes to address food security and adequate livelihoods, as well as nutritional security, especially regarding vitamin A, iron and iodine deficiencies, the promotion of breastfeeding, as well as programmes (for example, for school meals) that should ensure adequate nutrition for all children;

Promoting and protecting the rights of children, including ch ildren in particularly difficult situations

28. *Calls upon* all States to prevent violations of the rights of children working and/or living on the street, including discrimination, arbitrary detention and extrajudicial, arbitrary or summary executions, torture and all kinds of violence and exploitation, and to bring the perpetrators to justice, to adopt and implement policies for the protection, social and psychosocial rehabilitation and reintegration of those children and to adopt economic, social and educational strategies to address the problems of children working and/or living on the street;

29. *Also calls upon* all States to protect refugee, asylum-seeking and internally displaced children, taking into account their gender-specific needs, in particular those who are unaccompanied, who are particularly exposed to violence and risks in connection with armed conflict, such as recruitment, sexual violence and exploitation, stressing the need for States as well as the international community to continue to pay more systematic and in-depth attention to the special assistance, protection and development needs of those children through, inter alia, programmes aimed at rehabilitation and physical and psychological recovery, and to programmes for voluntary repatriation and, where appropriate and feasible, local integration and resettlement, to give priority to family tracing and family reunification and, where appropriate, to cooperate with international humanitarian and refugee organizations, including by facilitating their work;

30. *Further calls upon* all States to ensure, for children belonging to minorities and vulnerable groups, including migrant children and indigenous children, the enjoyment of all human rights as well as access to health care, social services and education on an equal basis with others and to ensure that all such children, in particular victims of violence and exploitation, receive special protection and assistance;

31. *Calls upon* all States to address, as a matter of priority, the vulnerabilities faced by children affected by and living with HIV, by providing support and rehabilitation to those children and their families, women and the elderly, particularly in their role as caregivers, promoting child-oriented HIV/AIDS policies and programmes and increased protection for children orphaned and affected by HIV/AIDS, ensuring access to treatment and intensifying efforts to develop new treatments for children, and building, where needed, and supporting the social security systems that protect them;

32. *Also calls upon* all States to protect, in law and in practice, the inheritance and property rights of orphans, with particular attention to underlying gender-based discrimination, which may interfere with the fulfilment of these rights;

33. *Encourages* States to promote actions, including through bilateral and multilateral technical cooperation and financial assistance, for the social reintegration of children in difficult situations, considering, inter alia, views, skills and capacities that those children have developed in the conditions in which they lived and, where appropriate, with their meaningful participation;

Child labour

34. *Calls upon* all States to translate into concrete action their commitment to the progressive and effective elimination of child labour that is likely to be hazardous or to interfere with the child's education or to be harmful to the child's health or physical, mental, spiritual, moral or social development, to eliminate immediately the worst forms of child labour, to promote education as a key strategy in this regard, including the creation of vocational training and apprenticeship programmes and the integration of working children into the formal education system, and to examine and devise economic policies, where necessary, in cooperation with the international community, that address factors contributing to these forms of child labour;

35. *Urges* all States that have not yet signed and ratified or acceded to the Convention concerning Minimum Age for Admission to Employment, 1973 (Convention No. 138) and the Convention concerning the Prohibition and Immediate Action for the Elimination of the Worst Forms of Child Labour, 1999 (Convention No. 182) of the International Labour Organization to consider doing so;

Children alleged to have infringed or recognized as having infringed penal law

36. *Calls upon* all States, in particular those States in which the death penalty has not been abolished:

(*a*) To abolish by law, as soon as possible, the death penalty and life imprisonment without possibility of release for those under the age of 18 years at the time of the commission of the offence;

(*b*) To comply with their obligations as assumed under relevant provisions of international human rights instruments, including the Convention on the Rights of the Child and the International Covenant on Civil and Political Rights;[21]

(*c*) To keep in mind the safeguards guaranteeing protection of the rights of those facing the death penalty and the guarantees set out in United Nations safeguards adopted by the Economic and Social Council;

37. *Also calls upon* all States to ensure that no child in detention is sentenced to forced labour or any form of cruel or degrading punishment, or deprived of access to and provision of health-care services, hygiene and environmental sanitation, education, basic instruction and vocational training;

Prevention and eradication of the sale of children, child prostitution and child pornography

38. *Calls upon* all States:

(*a*) To criminalize and penalize effectively all forms of sexual exploitation and sexual abuse of children, including all acts of paedophilia, including within the family or for commercial purposes, child pornography and child prostitution, child sex tourism, trafficking in children, the sale of children and the use of the Internet and other information and communications technologies for these purposes, and to take effective measures against the criminalization of children who are victims of exploitation;

(*b*) To ensure the prosecution and punishment of offenders, whether local or foreign, by the competent national authorities, either in the country in which the crime was committed, in the country of which the offender is a national or resident, in the country of which the victim is a national, or on any other basis permitted under domestic law, and for these purposes to afford one another the greatest measure of assistance and the necessary collaboration for prevention, detection, investigations or criminal or extradition proceedings;

(*c*) To criminalize and penalize effectively the sale of children, including for the purposes of transfer of organs of the child for profit, to increase cooperation at all levels to prevent and dismantle networks trafficking in or selling children and their organs and, for those States that have not yet done so, to consider signing and ratifying or acceding to the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime;[22]

(*d*) To give due consideration to the recommendations made by the Special Rapporteur on the human rights aspects of the victims of trafficking in persons, especially women and children, in her last report,[23] which was devoted to the subject of forced marriage in the context of trafficking in persons;

(*e*) In cases of trafficking in children, the sale of children, child prostitution, child pornography and child sex tourism, to address effectively the needs of victims, including their safety, legal assistance and protection, physical and psychological

[21] See resolution 2200 A (XXI), annex.

[22] United Nations, *Treaty Series*, vol. 2237, No. 39574.

[23] A/HRC/4/23 and Corr.1 and Add.1 and 2 and Add.2/Corr.1.

recovery and full reintegration into society, paying particular attention to their gender-specific needs, including through bilateral and multilateral technical cooperation and financial assistance;

(*f*) To combat the existence of a market that encourages such criminal practices against children, including through the adoption, effective application and enforcement of preventive, rehabilitative and punitive measures targeting customers or individuals who sexually exploit or sexually abuse children, as well as by ensuring public awareness;

(*g*) To give priority to the identification of norms and standards on the responsibilities of transnational corporations and other business enterprises, particularly those involved in information and communications technologies, related to respect for the rights of children, including the right to be protected from sexual abuse and exploitation, particularly in the virtual realm, as prohibited by the relevant legal instruments, and to outline basic measures to be taken for implementation;

(*h*) To mobilize public awareness, involving families and communities, with the participation of children, concerning the protection of children against all forms of sexual exploitation and abuse;

(*i*) To contribute to the prevention and elimination of the sale of children, child prostitution and child pornography by adopting a holistic approach, addressing the contributing factors, including underdevelopment, poverty, economic disparities, inequitable socio-economic structures, dysfunctional families, lack of education, urban-rural migration, gender discrimination, criminal or irresponsible adult sexual behaviour, child sex tourism, organized crime, harmful traditional practices, armed conflicts and trafficking in children;

(*j*) To take measures to eliminate the demand that fosters all forms of exploitation that leads to trafficking, including sexual exploitation and the sex tourism demand;

Children affected by armed conflict

39. *Strongly condemns* any recruitment or use of children in armed conflict contrary to international law, as well as other violations and abuses committed against children affected by armed conflict, and urges all States and other parties to armed conflict that are engaged in such practices to end them;

40. *Recalls*, in accordance with international humanitarian law, that indiscriminate attacks against civilians, including children, are prohibited and that they shall not be the object of attack, including by way of reprisal or excessive use of force, condemns these practices, and demands that all parties immediately put an end to them;

41. *Calls upon* States:

(*a*) When ratifying the Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict,[24] to raise the minimum age for voluntary recruitment of persons into the national armed forces from that set out in article 38, paragraph 3, of the Convention, bearing in mind that under the Convention persons under 18 years of age are entitled to special protection, and to adopt safeguards to ensure that such recruitment is not forced or coerced;

[24] United Nations, *Treaty Series*, vol. 2173, No. 27531.

(*b*) To take all feasible measures to ensure the demobilization and effective disarmament of children used in armed conflicts and to implement effective measures for their rehabilitation, physical and psychological recovery and reintegration into society, in particular through educational measures, taking into account the rights and the specific needs and capacities of girls;

(*c*) To ensure timely and adequate funding for rehabilitation and reintegration efforts for all children associated with armed forces and groups, particularly in support of national initiatives, to secure the long-term sustainability of such efforts;

(*d*) To encourage the involvement of young people in activities concerning the protection of children affected by armed conflict, including programmes for reconciliation, peace consolidation, peacebuilding and children-to-children networks;

(*e*) To protect children affected by armed conflict, in particular from violations of international humanitarian law and human rights law, and to ensure that they receive timely, effective humanitarian assistance, in accordance with international humanitarian law, including the Geneva Conventions of 12 August 1949,[25] and calls upon the international community to hold those responsible for violations accountable, inter alia, through the International Criminal Court;

(*f*) To take all feasible measures, in accordance with international humanitarian law and human rights law, as a matter of priority, to prevent the recruitment and use of children by armed groups, as distinct from the armed forces of a State, including the adoption of policies that do not tolerate the recruitment and use of children in armed conflict, and legal measures necessary to prohibit and criminalize such practices;

42. *Takes note* of the updating of the Cape Town Principles on child soldiers,[26] which led to the Principles and Guidelines on Children Associated with Armed Forces or Armed Groups (the Paris Principles),[27] encourages Member States to consider using the Principles and Guidelines to inform their work in protecting children from the effects of armed conflicts, and requests the relevant entities of the United Nations system, within their mandates, and invites civil society to assist Member States in this field;

43. *Reaffirms* the essential roles of the General Assembly, the Economic and Social Council and the Human Rights Council for the promotion and protection of the rights and welfare of children, including children affected by armed conflict, and notes the increasing role played by the Security Council in ensuring protection for children affected by armed conflict;

44. *Notes with appreciation* the steps taken regarding Security Council resolution 1612 (2005) of 26 July 2005 and the efforts of the Secretary-General to implement the monitoring and reporting mechanism on children and armed conflict in accordance with that resolution, with the participation of and in cooperation with national Governments and relevant United Nations and civil society actors, including at the country level, as well as the work carried out by United Nations child protection advisers in peacekeeping operations;

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[25] Ibid., vol. 75, Nos. 970–973.

[26] See E/CN.4/1998/NGO/2.

[27] Available from www.unicef.org.

45. *Takes note with appreciation* of the work of the Special Representative of the Secretary-General for Children and Armed Conflict, recognizes the progress achieved since the establishment of the mandate of the Special Representative, takes note of part one of her report to the General Assembly,[28] and looks forward to the continuation of her work and activities in the future with due respect to resolution 60/231 of 23 December 2005;

46. *Takes note* of part two of the report of the Special Representative,[28] on the strategic review of the 1996 study by Ms Graça Machel entitled "Impact of armed conflict on children",[29] and of the significant developments and achievements in the protection of children in armed conflict at the national and international levels, calls upon Member States and observers, and invites relevant entities of the United Nations system as well as civil society, as appropriate, to carefully study its recommendations, recognizes the need for discussion on the issues raised therein, and stresses the need for the views of Member States to be fully taken into account in this regard;

III

Elimination of violence against children

47. *Takes note with appreciation* of the report of the independent expert for the United Nations study on violence against children,[30] and notes the very positive response to the study from Member States and the progress made in translating and disseminating widely the study, the complementary *World Report on Violence against Children*, prepared by the independent expert, and the innovative child-friendly version of the report and educational materials;

48. *Encourages* all States and requests United Nations entities, regional organizations and civil society, including non-governmental organizations, to continue to widely disseminate and follow up on the study;

49. *Urges* all States to exercise leadership to end all forms of violence against children and support advocacy in this regard at all levels, including at the local, national, regional and international levels, and by all sectors, especially by political, community and religious leaders, as well as the public and private sectors, the media and civil society;

50. *Requests* the relevant organizations of the United Nations system, in particular the organizations that are members of the Inter-Agency Group on Violence against Children, to continue to explore ways and means, within their respective mandates, by which they can contribute more effectively to addressing the need to prevent and to respond to all forms of violence against children;

51. *Invites* all relevant international and regional human rights mechanisms, as appropriate, including relevant treaty bodies, in particular the Committee on the Rights of the Child and special procedures, to consider how to use most effectively their respective mandates to contribute to the elimination of violence against children;

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[28] A/62/228.

[29] See A/51/306 and Add.1.

[30] See A/62/209.

52. *Condemns* all forms of violence against children, including physical, mental, psychological and sexual violence, torture and other cruel, inhuman or degrading treatment, child abuse and exploitation, hostage-taking, domestic violence, trafficking in or sale of children and their organs, paedophilia, child prostitution, child pornography, child sex tourism, gang-related violence, bullying and harmful traditional practices, and urges States to strengthen efforts to prevent and protect children from all such violence through a comprehensive approach and to develop a multifaceted and systematic framework, which is integrated into national planning processes, to respond to violence against children;

53. *Also condemns* all kinds of abduction of children, in particular extortive abduction and abduction of children in situations of armed conflict, including for the recruitment and use of children in armed conflicts, and urges States to take all appropriate measures to secure their unconditional release, rehabilitation, reintegration and reunification with their families;

54. *Urges* all States to strengthen international cooperation and mutual assistance to prevent and protect children from all forms of violence and to end impunity for crimes against children;

55. *Recognizes* the contribution of the International Criminal Court in ending impunity for the most serious crimes against children, including genocide, crimes against humanity and war crimes, and calls upon States not to grant amnesties for such crimes;

56. *Acknowledges* the contributions of the international criminal tribunals and special courts in ending impunity for the most serious crimes against children, including genocide, crimes against humanity and war crimes;

57. *Urges* all States:

(*a*) To take effective and appropriate legislative and other measures or, where they exist, strengthen legislation to prohibit and eliminate all forms of violence against children;

(*b*) To consider taking appropriate measures to assert the right of children to respect for their human dignity and physical integrity and to prohibit and eliminate any emotional or physical violence or any other humiliating or degrading treatment;

(*c*) To give priority attention to the prevention of all forms of violence against children and to addressing its underlying causes, through a systematic, comprehensive and multifaceted approach;

(*d*) To protect children from all forms of violence or abuse by all those who work with and for children, including in educational settings, as well as by government officials, such as the police, law enforcement authorities and employees and officials in detention centres or welfare institutions;

(*e*) To end impunity for perpetrators of crimes against children, investigate and prosecute such acts of violence and impose appropriate penalties;

(*f*) To recognize that persons convicted of violent offences against and sexual abuse of children who continue to pose a risk of harm to children should be prevented from working with children;

(*g*) To actively engage with children and respect their views in all aspects of prevention, response and monitoring of violence against them, taking into account article 12 of the Convention on the Rights of the Child;[2]

(*h*) To ensure national research and documentation to identify vulnerable groups of children, inform policy and programmes at all levels and track progress and best practices towards preventing all forms of violence against children;

(*i*) To strive to change attitudes that condone or normalize any form of violence against children, including cruel, inhuman or degrading forms of discipline, harmful traditional practices and all forms of sexual violence;

(*j*) To take measures to promote constructive and positive forms of discipline and child development approaches in all settings, including the home, schools and other educational settings and throughout care and justice systems;

(*k*) To take measures to ensure that all those who work with and for children protect children from bullying and implement preventive and anti-bullying policies;

(*l*) To establish and develop safe, well-publicized, confidential and accessible mechanisms to enable children, their representatives and others to report violence against children as well as to file complaints in cases of violence against children;

(*m*) To address the gender dimension of all forms of violence against children and incorporate a gender perspective in all policies adopted and actions taken to protect children against all forms of violence, acknowledging that girls and boys face varying risks from different forms of violence at different ages and in different situations, and in this context recalls the agreed conclusions on the elimination of all forms of discrimination and violence against the girl child adopted by the Commission on the Status of Women at its fifty-first session;[31]

(*n*) To further develop the capacity of all those who work with and for children and families to contribute to the elimination of all forms of violence against children, by investing in systematic education and training programmes, both initial and in-service, on preventing, detecting and responding to violence against children; norms, such as guidelines or codes of conduct, incorporating the rejection of all forms of violence against children, should be formulated and implemented;

(*o*) To ensure that all victims of violence have access to appropriate child-sensitive health and social services; special attention should be paid to the gender-specific needs of girls and boys who are victims of violence;

58. *Requests* the Secretary-General to appoint for a period of three years a Special Representative on violence against children, at the highest possible level, after which time the mandate should be evaluated, including with regard to its funding, and ensure that the necessary support is made available to the Special Representative for the effective and independent performance of his/her mandate, encourages the United Nations Children's Fund, the Office of the United Nations High Commissioner for Human Rights, the World Health Organization and the International Labour Organization to cooperate with and provide support to the Special Representative, including financial support, and calls upon States and institutions concerned, and invites the private sector, to provide voluntary contributions for that purpose;

[31] See *Official Records of the Economic and Social Council, 2007, Supplement No. 7* (E/2007/27), chap. I, sect. A.

59. *Recommends* that the Special Representative of the Secretary-General on violence against children, taking care to avoid duplication with relevant United Nations mechanisms and treaty bodies:

(*a*) Act as a high-profile and independent global advocate to promote the prevention and elimination of all forms of violence against children in all regions, acting as a catalyst to stimulate the engagement of Member States and civil society to prevent and respond to violence against children, keeping the issue high on the international agenda and maintaining the attention to the issue of violence against children achieved through the process of the United Nations study on violence against children;

(*b*) Promote and support, in cooperation with Member States, the implementation of the recommendations of the United Nations study on violence against children, where appropriate, recommending measures, ways and means at the national, regional and international levels to eliminate violence against children and its causes and to remedy its consequences, promoting and ensuring country ownership of national plans and programmes in this regard;

(*c*) Identify and share good practices to prevent and respond to violence against children, between States and across regions, assist Member States in their efforts to develop more comprehensive and systematic data collection on violence against children, and ensure cross-fertilization of experiences between the various sectors addressing violence against children, including those focused on human rights, child protection, well-being, development, public health and education;

(*d*) Work closely and cooperate fully with relevant United Nations treaty bodies and mechanisms, including, but not limited to, the Committee on the Rights of the Child and the Special Representative of the Secretary-General for Children and Armed Conflict, the Special Rapporteur on the sale of children, child prostitution and child pornography and the Special Rapporteur on trafficking in persons, especially women and children, within their respective mandates, building upon existing inter-agency structures, and bearing in mind the ongoing process of the reviewing of mandates in the Human Rights Council;

(*e*) Also work closely and cooperate with the United Nations system and the existing mandates of United Nations funds and programmes and specialized agencies that have responsibilities in the area of violence against children, in particular those that are members of the Inter-Agency Group on Violence against Children;

(*f*) Establish a mutually supportive collaboration with civil society, including relevant non-governmental organizations and the private sector, and work to promote the increased involvement of children and young people in initiatives to prevent and respond to violence against children;

60. *Urges* Governments and requests the specialized agencies, relevant United Nations organs that work in the area of violence against children and regional, intergovernmental and civil society organizations, including non-governmental organizations, as well as relevant United Nations mechanisms and treaty bodies, including the Committee on the Rights of the Child, to cooperate with the Special Representative of the Secretary-General on violence against children and to provide information, where appropriate, on the measures adopted to ensure and respect the right of children to be protected from violence;

61. *Requests* the Special Representative of the Secretary-General on violence against children, upon his/her appointment, and the Special Representative of the Secretary-General for Children and Armed Conflict to cooperate and coordinate their activities, bearing in mind their complementarity, and in this regard to ensure between them, within their respective mandates, that the situations of all children subject to or at risk of violence are addressed, including those of armed conflict, foreign occupation, genocide, crimes against humanity, war crimes, terrorism or hostage-taking, or where peacekeeping operations are deployed, in order to ensure that no child is left uncovered;

62. *Requests* the Special Representative of the Secretary-General on violence against children to report annually to the General Assembly, the Human Rights Council and the Economic and Social Council and to ensure that this reporting contains relevant, accurate and objective information on violence against children, taking into account the views of Member States and observers, the outcome of the special sessions of the Assembly on children and the United Nations study on violence against children, bearing in mind existing mandates;

IV

Follow-up

63. *Decides:*

(*a*) To request the Secretary-General to submit to the General Assembly at its sixty-third session a report on the rights of the child, containing information on the status of the Convention on the Rights of the Child[2] and the issues addressed in the present resolution;

(*b*) To request the Special Representative of the Secretary-General for Children and Armed Conflict to continue to submit reports to the General Assembly and the Human Rights Council on the progress achieved and the remaining challenges on the children and armed conflict agenda;

(*c*) To invite the Chairperson of the Committee on the Rights of the Child to present an oral report on the work of the Committee to the General Assembly at its sixty-third session as a way to enhance communication between the Assembly and the Committee;

(*d*) To continue its consideration of the question at its sixty-third session under the item entitled "Promotion and protection of the rights of children", focusing section III of the resolution on the rights of the child on "Child labour, with a special emphasis on its causes, including poverty and lack of education" in 2008 and on "The right of the child to express his/her views freely in all matters affecting him/her" in 2009.

76th plenary meeting
18 December 2007

United Nations A/RES/62/142

General Assembly

Distr.: General
22 February 2008

Sixty-second session
Agenda item 68 (*a*)

Resolution adopted by the General Assembly

[*on the report of the Third Committee (A/62/437)*]

62/142. Inadmissibility of certain practices that contribute to fuelling contemporary forms of racism, racial discrimination, xenophobia and related intolerance

The General Assembly,

Guided by the Charter of the United Nations, the Universal Declaration of Human Rights,[1] the International Covenant on Civil and Political Rights,[2] the International Convention on the Elimination of All Forms of Racial Discrimination[3] and other relevant human rights instruments,

Recalling the provisions of Commission on Human Rights resolutions 2004/16 of 16 April 2004[4] and 2005/5 of 14 April 2005,[5] as well as General Assembly resolutions 60/143 of 16 December 2005 and 61/147 of 19 December 2006 on this issue and resolution 61/149 of 19 December 2006 entitled "Global efforts for the total elimination of racism, racial discrimination, xenophobia and related intolerance and the comprehensive implementation of and follow-up to the Durban Declaration and Programme of Action",

Recalling also the Charter of the Nuremberg Tribunal and the Judgement of the Tribunal, which recognized, inter alia, the SS organization and all its integral parts, including the Waffen SS, as criminal and declared it responsible for many war crimes and crimes against humanity,

Recalling further the relevant provisions of the Durban Declaration and Programme of Action adopted by the World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance on 8 September 2001,[6] in particular paragraph 2 of the Declaration and paragraph 86 of the Programme of Action,

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[1] Resolution 217 A (III).

[2] See resolution 2200 A (XXI), annex.

[3] United Nations, *Treaty Series*, vol. 660, No. 9464.

[4] See *Official Records of the Economic and Social Council, 2004, Supplement No. 3* (E/2004/23), chap. II, sect. A.

[5] Ibid., *2005, Supplement No. 3* and corrigenda (E/2005/23 and Corr.1 and 2), chap. II, sect. A.

[6] See A/CONF.189/12 and Corr.1, chap. I.

Recalling equally the study undertaken by the Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia and related intolerance,[7] and taking note of his report,[8]

Alarmed, in this regard, at the spread in many parts of the world of various extremist political parties, movements and groups, including neo-Nazis and skinhead groups,

1. *Reaffirms* the provision of the Durban Declaration[6] in which States condemned the persistence and resurgence of neo-Nazism, neo-Fascism and violent nationalist ideologies based on racial and national prejudice and stated that those phenomena could never be justified in any instance or in any circumstances;

2. *Expresses deep concern* about the glorification of the Nazi movement and former members of the Waffen SS organization, including by erecting monuments and memorials as well as holding public demonstrations in the name of the glorification of the Nazi past, the Nazi movement and neo-Nazism;

3. *Expresses concern* at recurring attempts to desecrate or demolish monuments erected in remembrance of those who fought against Nazism during the Second World War, as well as to unlawfully exhume or remove the remains of such persons, and urges States in this regard to fully comply with their relevant obligations, inter alia, under article 34 of Additional Protocol I to the Geneva Conventions of 1949;[9]

4. *Notes with concern* the increase in the number of racist incidents in several countries and the rise of skinhead groups, which have been responsible for many of these incidents, as well as the resurgence of racist and xenophobic violence targeting members of ethnic, religious or cultural communities and national minorities, as observed by the Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia and related intolerance in his latest report;[8]

5. *Reaffirms* that such acts may be qualified to fall within the scope of activities described in article 4 of the International Convention on the Elimination of All Forms of Racial Discrimination,[3] and that they may represent a clear and manifest abuse of the rights to freedom of peaceful assembly and of association as well as the rights to freedom of opinion and expression within the meaning of those rights as guaranteed by the Universal Declaration of Human Rights,[1] the International Covenant on Civil and Political Rights[2] and the International Convention on the Elimination of All Forms of Racial Discrimination;

6. *Stresses* that the practices described above do injustice to the memory of the countless victims of crimes against humanity committed in the Second World War, in particular those committed by the SS organization, and poison the minds of young people, and that those practices are incompatible with the obligations of States Members of the United Nations under its Charter and are incompatible with the goals and principles of the Organization;

7. *Also stresses* that such practices fuel contemporary forms of racism, racial discrimination, xenophobia and related intolerance and contribute to the spread and multiplication of various extremist political parties, movements and groups, including neo-Nazis and skinhead groups;

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[7] E/CN.4/2006/16 and Add.1, Add.2 and Corr.1 and Add.3 and 4.

[8] See A/62/306.

[9] United Nations, *Treaty Series*, vol. 1125, No. 17512.

8. *Emphasizes* the need to take the necessary measures to put an end to the practices described above, and calls upon States to take more effective measures in accordance with international human rights law to combat those phenomena and the extremist movements, which pose a real threat to democratic values;

9. *Reaffirms* that, according to article 4 of the International Convention on the Elimination of All Forms of Racial Discrimination, States parties to that instrument are, inter alia, under the obligation:

(*a*) To condemn all propaganda and all organizations that are based on ideas of racial superiority or that attempt to justify or promote racial hatred and discrimination in any form;

(*b*) To undertake to adopt immediate and positive measures designed to eradicate all incitement to, or acts of, such discrimination with due regard to the principles embodied in the Universal Declaration of Human Rights and the rights expressly set forth in article 5 of the Convention;

(*c*) To declare as an offence punishable by law all dissemination of ideas based on racial superiority or hatred, incitement to racial discrimination, as well as all acts of violence or incitement to such acts against any race or group of persons of another colour or ethnic origin, and also the provision of any assistance to racist activities, including the financing thereof;

(*d*) To declare illegal and prohibit organizations and organized and all other propaganda activities that promote and incite racial discrimination and to recognize participation in such organizations or activities as an offence punishable by law;

(*e*) To prohibit public authorities or public institutions, national or local, from promoting or inciting racial discrimination;

10. *Encourages* those States that have made reservations to article 4 of the International Convention on the Elimination of All Forms of Racial Discrimination to give serious consideration to withdrawing such reservations as a matter of priority;

11. *Recalls* the request of the Commission on Human Rights in its resolution 2005/5[5] that the Special Rapporteur continue to reflect on this issue, make relevant recommendations in his future reports and seek and take into account in this regard the views of Governments and non-governmental organizations;

12. *Urges* Governments and non-governmental organizations to cooperate fully with the Special Rapporteur in the exercise of the aforementioned task;

13. *Decides* to remain seized of the issue.

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18 December 2007

General Assembly

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Sixty-second session
Agenda item 68 (*b*)

Resolution adopted by the General Assembly

[*on the report of the Third Committee (A/62/437)*]

62/143. Report of the Human Rights Council on the preparations for the Durban Review Conference

The General Assembly,

Recalling its resolution 61/149 of 19 December 2006 and Human Rights Council resolution 3/2 of 8 December 2006,[1]

Recalling also Human Rights Council decision 6/105 of 28 September 2007,[2] in which the Council invited the Preparatory Committee for the Durban Review Conference to submit its reports to the General Assembly,

Bearing in mind that the modalities of the Review Conference have yet to be finalized,

1. *Welcomes* the report of the Preparatory Committee for the Durban Review Conference on its first session,[3] including the annexes and appendices thereto, in particular the decisions adopted by the Preparatory Committee at its organizational session;[4]

2. *Endorses* the decisions adopted by the Preparatory Committee at its organizational session.

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18 December 2007

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[1] See *Official Records of the General Assembly, Sixty-second Session, Supplement No. 53* (A/62/53), chap. II, sect A.

[2] See A/HRC/6/L.11. For the final text, see *Official Records of the General Assembly, Sixty-third Session, Supplement No. 53* (A/63/53).

[3] A/62/375.

[4] Ibid., annex I.

General Assembly

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28 February 2008

Sixty-second session
Agenda item 69

Resolution adopted by the General Assembly

[*on the report of the Third Committee (A/62/438)*]

62/144. Universal realization of the right of peoples to self-determination

The General Assembly,

Reaffirming the importance, for the effective guarantee and observance of human rights, of the universal realization of the right of peoples to self-determination enshrined in the Charter of the United Nations and embodied in the International Covenants on Human Rights,[1] as well as in the Declaration on the Granting of Independence to Colonial Countries and Peoples contained in General Assembly resolution 1514 (XV) of 14 December 1960,

Welcoming the progressive exercise of the right to self-determination by peoples under colonial, foreign or alien occupation and their emergence into sovereign statehood and independence,

Deeply concerned at the continuation of acts or threats of foreign military intervention and occupation that are threatening to suppress, or have already suppressed, the right to self-determination of peoples and nations,

Expressing grave concern that, as a consequence of the persistence of such actions, millions of people have been and are being uprooted from their homes as refugees and displaced persons, and emphasizing the urgent need for concerted international action to alleviate their condition,

Recalling the relevant resolutions regarding the violation of the right of peoples to self-determination and other human rights as a result of foreign military intervention, aggression and occupation, adopted by the Commission on Human Rights at its sixty-first[2] and previous sessions,

Reaffirming its previous resolutions on the universal realization of the right of peoples to self-determination, including resolution 61/150 of 19 December 2006,

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[1] Resolution 2200 A (XXI), annex.

[2] See *Official Records of the Economic and Social Council, 2005, Supplement No. 3* and corrigenda (E/2005/23 and Corr.1 and 2), chap. II, sect. A.

Reaffirming also its resolution 55/2 of 8 September 2000, containing the United Nations Millennium Declaration, and recalling its resolution 60/1 of 16 September 2005, containing the 2005 World Summit Outcome, which, inter alia, upheld the right to self-determination of peoples under colonial domination and foreign occupation,

Taking note of the report of the Secretary-General,[3]

1. *Reaffirms* that the universal realization of the right of all peoples, including those under colonial, foreign and alien domination, to self-determination is a fundamental condition for the effective guarantee and observance of human rights and for the preservation and promotion of such rights;

2. *Declares its firm opposition* to acts of foreign military intervention, aggression and occupation, since these have resulted in the suppression of the right of peoples to self-determination and other human rights in certain parts of the world;

3. *Calls upon* those States responsible to cease immediately their military intervention in and occupation of foreign countries and territories and all acts of repression, discrimination, exploitation and maltreatment, in particular the brutal and inhuman methods reportedly employed for the execution of those acts against the peoples concerned;

4. *Deplores* the plight of millions of refugees and displaced persons who have been uprooted as a result of the aforementioned acts, and reaffirms their right to return to their homes voluntarily in safety and honour;

5. *Requests* the Human Rights Council to continue to give special attention to the violation of human rights, especially the right to self-determination, resulting from foreign military intervention, aggression or occupation;

6. *Requests* the Secretary-General to report on the question to the General Assembly at its sixty-third session under the item entitled "Right of peoples to self-determination".

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[3] A/62/184.